

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRYAN VELAZQUEZ, on behalf of himself and	:	
all others similarly situated,	:	
	:	
Plaintiff,	:	22-CV-7534 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
MELLOW MONKEY, LLC,	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 3, 2022, Plaintiff was ordered to file an Amended Complaint not later than October 21, 2022, or the action would be dismissed for lack of standing, Dkt. 7;

WHEREAS Plaintiff did not file an Amended Complaint;

WHEREAS on October 20, 2022, the parties notified the Court that they have reached an agreement in principle resolving all issues, Dkt. 8; and

WHEREAS because Plaintiff did not file an Amended Complaint that adequately alleges standing, the Court lacks subject-matter jurisdiction over this case and can only dismiss the action without prejudice, *see Bank v. U.S. Dep't of Health & Human Servs.*, 708 F. App'x 43, 44–45 (2d Cir. 2018) (summary order);

IT IS HEREBY ORDERED that all previously scheduled conferences and other deadlines are CANCELLED.

IT IS FURTHER ORDERED that this case is DISMISSED without prejudice and without costs (including attorneys' fees) to either party. The Clerk of Court is respectfully directed to terminate all open motions and to CLOSE the case.

SO ORDERED.

Date: October 24, 2022
New York, NY



VALERIE CAPRONI
United States District Judge